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<sup>1</sup> See P.L. 116-136 (Mar. 27, 2020).

<sup>2</sup> See P.L. 115-391 (Dec. 21, 2019).

<sup>3</sup> Memorandum from William Barr, Attorney Gen., U.S. Dep't of Justice, on Department Policy on Prioritization of Home Confinement as Appropriate in Response to COVID-19 Pandemic (Mar. 26, 2020), https://www.bop.gov/resources/news/pdfs/20200405 covid-19 home confinement.pdf.

## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

Petitioner, Case No. 2:19-cv-08046-BJR-SMD

UNITED STATES OF AMERICA.

JONATHAN WADE DUNNING,

v.

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION; AND TRANFERRING PETITIONER'S 28 U.S.C. § 2241 TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA.

Petitioner Jonathan Wade Dunning ("Petitioner") filed a motion requesting an emergency hearing with this Court to grant him home confinement pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")<sup>1</sup> and the First Step Act<sup>2</sup> on May 1, 2020. Dkt. No. 3. Petitioner is currently serving a federal sentence at the Federal Correctional Institution in Oakdale, Louisiana ("FCI Oakdale"), which he claims is "the epicenter for COVID-19 infections and deaths in the federal prison system." Dkt. No. 3 at 1. Petitioner states that he is at a higher risk of contracting the virus due to his underlying health conditions and believes that he is eligible for a modification in his sentence because he satisfies the criteria set by United States Attorney General William Barr regarding inmates suitable for release to home confinement due to the COVID-19 pandemic.<sup>3</sup> *Id.* 

On May 6, 2020, the Honorable Stephen M. Doyle, United States Magistrate Judge, issued a Report and Recommendation ("R&R"), treating Petitioner's motion as a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Dkt. No. 5 at 2. Magistrate Judge Doyle further recommends that Petitioner's writ of habeas corpus be transferred to the United States District Court for the Western District of Louisiana, where jurisdiction properly lies to consider Petitioner's request for release to home confinement. Dkt. No. 5.

The Court, having reviewed Petitioner's petition for writ of habeas corpus, the Report and Recommendation, and the record of the case, hereby finds and ORDERS:

- 1. The Report and Recommendation is APPROVED and ADOPTED;
- 2. Petitioner's writ of habeas corpus (Dkt. No. 3) be TRANSFERRED to the United States District Court for the Western District of Louisiana; and
- 3. The Clerk is directed to send copies of this Order to petitioner and to the Honorable Stephen M. Doyle.

DATED this 12th day of May, 2020.

BARBARA JACOBS ROTHSTEIN United States District Judge

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